UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.   CRIMINAL ACTION NO. 2:14-00034-02

JESSE BURGESS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 12, 2018, the United States of America appeared by W. Clinton Carte, Assistant United States Attorney, and the defendant, Jesse Burgess, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition on supervised release and amendments thereto submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a three-year term of supervised release in this action on June 6, 2017, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 19, 2014. The court notes that the petition entered on October 6, 2017, and the amendment thereto entered on October 26, 2017, were held in abeyance by order entered on January 10, 2018, at which time the defendant's term of supervised release was modified to include the special

condition that he participate in and successfully complete the residential drug treatment program at Recovery Point. The court's findings as set forth in the January 10, 2018, order as to the defendant's violations of the conditions of supervised release are incorporated herein by reference. The court's findings with respect to the third amendment and fourth amendment to the petition are set forth below.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to abide by the special condition that he participate in and successfully complete the 9 to 12 month residential drug treatment program at Recovery Point in Huntington, West Virginia, inasmuch as he failed to report to the program on January 11, 2018, as directed by the court; and (2) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on January 24, 2018, for opiates, methamphetamine and marijuana, the defendant having admitted to the probation officer that he consumed

heroin, methamphetamine and marijuana on January 23, 2018, all as admitted by the defendant on the record of the hearing and all as set forth in the third and fourth amendments to the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.
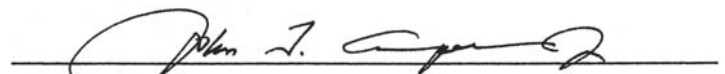
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of NINE (9) MONTHS, to be followed by a term of twenty-seven (27) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts

(National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 15, 2018

John T. Copenhaver, Jr.
United States District Judge